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Note verbale dated 9 May 2018 from the Permanent Mission of Kuwait to the United Nations addressed to the Secretary-General

The Permanent Mission of Kuwait to the United Nations presents its compliments to the Secretary-General, and has the honour to refer to the note dated 21 December 2017 from the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (No. 3577) regarding Decree No. 317 (2014) concerning the delimitation of the maritime zones of Kuwait and the amendment thereto published in Law of the Sea Bulletin No. 89.

First, the State of Kuwait would like to emphasize that Decree No. 317 (2014) concerning the delimitation of the maritime zones of Kuwait is consistent with the 1982 United Nations Convention on the Law of the Sea. In accordance with article 38 of the 1969 Vienna Convention on the Law of Treaties and the ruling of the International Court of Justice that the understanding of exclusive international economic zones provided for in the 1982 United Nations Convention on the Law of the Sea is to be treated as a customary rule of international law, the provisions of the 1982 United Nations Convention on the Law of the Sea are binding on all States. Therefore, the action taken by Kuwait in this regard has a basis in both international treaty law and customary international law.

In addition, bilateral negotiations between Kuwait and the Islamic Republic of Iran have been unable to reach a final agreement on the delimitation of the two countries' respective economic zones and continental shelves. The only thing that the two parties have been able to agree on is that the delimitation of borders should be in accordance with international law.

In keeping with its desire to reach a final and binding delimitation between the two sides, the State of Kuwait continues to stand ready to refer its maritime border dispute, by mutual agreement, to the International Court of Justice, the International Tribunal for the Law of the Sea, arbitration, or any mechanism agreed upon by the two parties in accordance with international law.

In the meantime, the State of Kuwait stresses that the borders set forth in Decree No. 317 (2014) shall remain in force in the absence of an agreement on the settlement of this dispute.

The Permanent Mission of Kuwait to the United Nations would be grateful if you could have this note verbale circulated as a document of the General Assembly, under agenda item 77 (a), and published in the next Law of the Sea Bulletin.

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